

REMARKS

Claims 1-20 are pending. All claims 1-20 are believed to be allowable over the references cited by the Examiner as discussed below. Accordingly, a Notice of Allowance for the present application is respectfully requested.

Rejection of Claims Under 35 U.S.C. §103(a)

Claims 1, 2, 4, 5-10, and 12-20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Pallai in view of Froehlich.

Independent claim 1 generally recites a headset having an audio receiver, a headset body, a microphone, and a flexible voice tube that defines a lumen. The flexible voice tube is bendable into a curvilinear operative shape and position while *preventing kinking and retains the curvilinear operative shape and position* throughout its operative use until further adjustment. The lumen generally extends between an open end of the flexible voice tube to the microphone.

Independent claim 8 similarly recites a voice tube having a *kink-resistant* flexible tubular member, configured to be bendable into a curvilinear operative shape that is generally retained throughout its operative use until further adjustment is made. Independent claim 15 also generally recites a headset having an acoustic transmission means for acoustic transmission via a lumen, the acoustic transmission means being *kink resistant*, adjustable into a curvilinear operative shape, and generally retaining the curvilinear operative shape until further adjustment is made.

In contrast, while Pallai discloses a metal coil spring 101 to form a hollow voice tube (FIGS. 7-10; [0032]). However, as noted by the Examiner, Pallai does not teach preventing kinking of the flexible voice tube.

The Examiner relies on Froehlich disclosing a kink resistant conduit (citing tube 14, FIGS. 1 and 2; col. 4, lines 28-34). Froehlich discloses a continuous positive airway pressure (CPAP) respiratory therapy apparatus for treatment of sleep disorders. As the tube is connected to a user and used while the user is asleep, it is inherent that the tube flexes freely without manual intervention (for purposes of the user's sleep comfort) and thus it does not maintain its curvilinear shape throughout its operative use until further adjustment, as generally recited in the claims.

In contrast, in Pallai, the user is naturally awake during usage of the voice tube and, as such, Pallai relies on manual intervention to adjust the curvature and positioning of the voice tube and to prevent kinking thereof.

While the concept of kink resistance is not new, the claims are directed not only to kink resistance but to kink resistance in a voice tube that maintains its shape while in use, i.e., without manual intervention.

As the use and intent of the tubes in Pallai (voice tube used while awake and that maintains its shape without manual intervention for purposes of user convenience) and in Froehlich (breathing tube used while asleep and that freely flexes without manual intervention for purposes of user sleep comfort), it would not have been obvious to incorporate the kink resistance characteristic of Froehlich into Pallai.

Withdrawal of the rejection of independent claims 1, 8, and 15 as well as claims 2, 4, 5-7, 9, 10, 12-14, and 16-20 dependent variously therefrom, under 35 U.S.C. §103(a) is respectfully requested.

Claims 3 and 11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Pallai in view of Deslauriers and further in view of Sawada.

However, the addition of the Sawada does not make up for the deficiencies of Pallai in view of Deslauriers as discussed above. Thus, claims 3 and 11 are also believed to be allowable for at least similar reasons as those discussed above. Withdrawal of the rejection of claims 3 and 11 under 35 U.S.C. §103(a) is respectfully requested.

CONCLUSION

Applicants believe that all pending claims are allowable and respectfully request a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

In the unlikely event that the transmittal letter accompanying this document is separated from this document and the Patent Office determines that an Extension of Time under 37 CFR 1.136 and/or any other relief is required, Applicant hereby petitions for any required relief including Extensions of Time and/or any other relief and authorizes the Commissioner to charge

the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 50-2315 (Order No. 01-7119).

Respectfully submitted,



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